



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

July 13, 2017

**BY ECF AND BY EMAIL**

The Honorable Valerie E. Caproni  
United States District Judge  
Southern District of New York  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, New York 10007

**Re: *United States v. William Bracy*, S13 15 Cr. 537 (VEC)**

Dear Judge Caproni:

A dispute has arisen between the Government and counsel for defendant William Bracy concerning the *Fatico* hearing scheduled for next week in this matter. Pursuant to the Court's Order issued earlier today (Dckt. 1104), the Government respectfully submits this letter to provide the Court with a brief synopsis of this dispute, which the parties expect to raise at the pre-*Fatico* conference before the Court scheduled for tomorrow at 2:00PM.

As the Court is aware, the central issue to be resolved at the *Fatico* hearing next week is whether Bracy struck Moises Lora during the group attack on Lora that culminated in Lora's death, contrary to his statements during his plea allocution before the Court on January 4, 2017 that he was merely hitting Lora's associate "Polo" (and did not make contact with Lora) while his confederates beat Lora to death during the attack. In advance of the *Fatico* hearing, the Government produced the attached discovery letter to Bracy's counsel yesterday disclosing, among other things, information showing that: (a) the Government will be calling a single cooperating witness at the *Fatico* hearing, who will testify to admissions made by Bracy to this witness at the MDC about the extent and nature of Bracy's role in the Lora stomping murder — admissions that occurred during the course of conversations between Bracy and this witness several months before Bracy pleaded guilty to the Lora murder in this case; and (b) that several months later, on or around the date of Bracy's plea allocution before the Court, Bracy made statements consistent with his plea allocution to a defendant housed with him at the MDC, who has since begun proffering with the Government in the hopes of obtaining a cooperation agreement and leniency at sentencing. The defendant who proffered the foregoing information is represented by Susanne Brody, Esq. of the Federal Defenders of New York, who has informed the Government that she will not allow her client to be interviewed by Bracy, any of Bracy's co-defendants in this case, or any of their representatives, and that if her client is called to testify before he obtains a cooperation agreement with the Government, her client will invoke his privilege against self-incrimination under the Fifth Amendment of the United States Constitution. The Government does not intend to call this proffering defendant as a witness at the *Fatico* hearing, and this

cc: Donald DuBoulay, Esq.  
Marlon Kirton, Esq.  
Susanne Brody, Esq.  
All other counsel of record